

Application No. 10/736,535
Amendment dated February 11, 2009
Reply to Office Action of August 19, 2008

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 17-20 and 22-33 are currently pending. Claims 17, 18 and 19 have been amended. New claims 23-33 have been added. Claims 1-16, 21 and 22 were previously canceled. No new matter has been added. Reconsideration is respectfully requested.

The filing of the present amendment in conjunction with a Request for Continued Examination functions as a withdrawal of the previously filed Notice of Appeal. The withdrawal of the Notice of Appeal is being done in an effort to move prosecution forward and obtain allowance of the present application. However, the withdrawal of the Notice of Appeal should not be construed as prejudicing Applicant's right to pursue appeals on this or other subject matter during future prosecution.

Applicant would first like to thank Examiner Nguyen for the courtesies extended during the Interview conducted with Howard Flaxman and Dr. Michael Tal on February 5, 2009. During the course of this Interview, U.S. Patent No. 6,159,196 to Ruiz ("Ruiz") and the Williams article were discussed as they relate to proposed claim amendments. After discussing the proposed claim amendments and the combination of references in detail, it was agreed that amended claim 17 appeared to overcome Ruiz in view of Williams.

Applicant, therefore, submits amended claim 17, and well as various claims depending therefrom for further consideration. In particular, amended claim 17 now defines a method for

Application No. 10/736,535
Amendment dated February 11, 2009
Reply to Office Action of August 19, 2008

permanently occluding a vein. The method includes advancing an elongated intraluminal member through the vein to a treatment site in the vein. The intraluminal member is thereafter moved against the vein's lining at the treatment site to disrupt the lining. A sclerosant is then injected into the vein at the treatment site causing irreversible damage to the disrupted lining at the treatment site and consequently stimulating fibrosis of the vein at the treatment site thereby permanently occluding the vein.

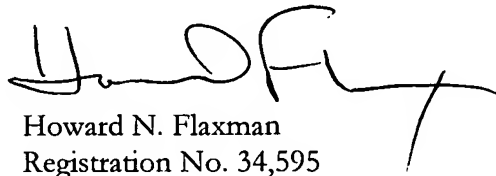
In contrast to the claimed invention and as discussed during the Interview, Ruiz is concerned with revascularization and is not concerned with permanently occluding a vein through the fibrosis of the vein at a treatment site. As such, the proposed combination of Ruiz in view of Williams would be contrary to the teachings of Williams, and it is Applicant's opinion amended claim 17 now overcomes the outstanding rejection of Ruiz in view of Williams. As such, Applicant requests the outstanding rejection be withdrawn and the application be passed forward for allowance.

As to those claims dependent upon independent claim 17, they are also believed to overcome Ruiz in view of Williams for at least the reasons discussed above. As such, Applicant respectfully requests these claims also be indicated as being allowable.

Application No. 10/736,535
Amendment dated February 11, 2009
Reply to Office Action of August 19, 2008

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,



Howard N. Flaxman
Registration No. 34,595

Welsh & Flaxman LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314
(703) 920-1122
Our Docket No. TAL-001